

Application No.: 10/643,315
Reply Pursuant to 37 C.F.R. §1.111 dated May 16, 2008
Office Action mailed January 22, 2008
Docket No.: 760-100 CIP/RCE
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REMARKS

Claims 1 to 47 are pending in this application. Claims 16, 18, 34, 36, and 38 to 47 were previously withdrawn from consideration as being directed to non-elected species/invention.

Claims 1 to 15, 17, 19 to 33, 35 and 37 remain pending.

Claims 1, 5, and 24 have been amended to clarify the claims.

I. Section 112 Rejection

Claims 1 to 15, 17, 19 to 33, 35, and 37 have been rejected under 35 USC §112, second paragraph, as allegedly failing to clearly define and claimed the invention.

Applicants submit that, the clarifying amendments to claims 1, 5, and 24 obviate this §112 2nd paragraph rejection. With respect to claim 19, the Examiner did not list any §112 2nd paragraph defect of the claim. Upon review, Applicant was unable to find any indefiniteness or lack of antecedent basis in claim 19. Applicant is of the position that claim 19 is currently in condition for allowance. Thus, Applicant respectfully asserts that claims 1 and 19 and the dependent claims thereof are currently in condition for allowance. Favorable action is solicited.

II. Obviousness-Type Double Patenting Rejection

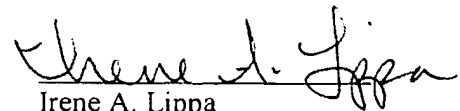
Claims 1 to 15, 17, 19 to 33, 35 and 37 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 to 3 and 5 to 17 of co-pending Application Number 10/166, 842.

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In response, Applicants continue to take formal notice of this issue. Upon indication of allowable subject matter, Applicants will consider filing a terminal disclaimer to obviate this obviousness-type double patenting rejection over co-pending Application Number 10/166,842, should the copending application be issued.

Should the Examiner determine that issues remain that have not been resolved by this response, the Examiner is requested to contact Applicants' representative at the number listed below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Irene A. Lippa", written over a horizontal line.

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